



U.S. Department of Justice

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June 20, 2012

The Honorable Susana Martinez  
Governor, State of New Mexico  
Office of the Governor  
490 Old Santa Fe Trail, Room 400  
Santa Fe, NM 87501

Dear Governor Martinez:

The United States is investigating certain conduct in which former Governor Bill Richardson may have engaged during his tenure as Governor of New Mexico. Part of our investigation involves a Settlement Agreement and Release (the "Agreement") executed by former Governor Richardson on or about October 7, 2007, pursuant to which the former Governor agreed to pay a sum of money in exchange for a former state employee's agreement not to reveal the existence of the Agreement nor any facts giving rise to the Agreement. Hilary Tompkins, general counsel to former Governor Richardson, may have played a role in discussing, reviewing and drafting the Agreement on behalf of the former Governor. Ms. Tompkins is no longer employed by the State of New Mexico, and currently is employed by the U.S. Department of the Interior. When the FBI attempted to interview Ms. Tompkins, her private counsel repeatedly asserted the attorney-client privilege on behalf of Ms. Tompkins and the former Governor. The United States would like to interview Ms. Tompkins with respect to her role in drafting and reviewing the Agreement, as well as any discussions she may have had about it.

We are aware of Executive Order 2011-003, which requires all State of New Mexico employees to cooperate in federal investigations, and Executive Order 2011-002, which provides that the executive privilege can only be invoked with written authorization from the Office of the Governor. In the spirit of these two Executive Orders, the United States requests that the Governor's Office waive any executive, attorney-client and work product privileges as they apply to former Governor Richardson on the subject of the above-described Agreement.

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

KENNETH J. GONZALES  
United States Attorney